

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

DONALD CARLSON,

Plaintiff,

v.

UNITED NATURAL FOODS, INC. and
SUPERVALU, INC.,

Defendants.

Case No. 3:20-cv-05476-RBL

STIPULATED MOTION TO STAY AND
[PROPOSED] ORDER

RECITALS

WHEREAS, on or about February 11, 2020, Plaintiff Donald Carlson (“Plaintiff”) filed this purported Class and Collective Action against United Natural Foods Inc. and Supervalu, Inc. (“Defendants”) [Dkt. #1];

WHEREAS, on June 25, 2020, Defendants filed an FRCP 12(b)(6) motion to dismiss with an original noting date of July 17, 2020 [Dkt.#12];

WHEREAS the Parties have been discussing potential resolution of this case and in order to facilitate those discussions, Defendants agreed to re-note the motion to dismiss three times [Dkt. #22, 24, and 25] and the Parties jointly requested a continuation of the deadlines in the initial scheduling order [Dkt. #3];

WHEREAS the Parties are continuing to discuss a possible resolution and require additional time; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, on the one hand, and Defendants, on the other hand, by and through their respective undersigned counsel, and subject to the Court's approval, that:

1. All scheduling dates and deadlines currently set in this action be vacated and/or reset to dates following the expiration of this requested stay, including without limitation the deadlines in the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. #3), which were re-set on July 27, 2020 (FRCP 26 Conference Deadline of 8/27/2020, Initial Disclosure Deadline of 9/3/2020, and Joint Status Report due by 9/10/2020) and any deadlines to complete discovery on class certification and to move for class certification;

3. With respect to Plaintiff's claims under the Fair Labor Standards Act, 29 U.S.C. et seq., the statute of limitations shall be tolled for all FLSA Collective Members from October 26, 2020 until October 30, 2020.

4. On or before October 27, 2020, the parties shall file a joint status report with the Court that (a) sets forth the Parties' respective and/or collective positions as to whether the stay should remain in effect, and (b) provides the Court with an agreed-upon and/or proposed deadline for submission of an updated Joint Status Report and Discovery Plan; and

5. By entering into and submitting this Stipulated Motion, the Parties fully reserve, and do not waive or limit, their respective rights, claims, remedies, defenses, and positions in this action, including as to the issues recited above.

1 DATED: August 28, 2020

Respectfully submitted,

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3 TERRELL MARSHALL LAW GROUP
4 PLLC

SEYFARTH SHAW LLP

5 By: /s/ Toby J. Marshall

Toby J. Marshall
936 North 34th Street, Suite 300
Seattle, WA 98103
tmarshall@terrellmarshall.com

By: /s/ Helen M. McFarland

Helen M. McFarland, WSBA #51012
999 Third Ave., Suite 3000
Seattle, WA 98104
P: (206) 936-4910
F: (206) 260-8839
hmcfarland@seyfarth.com

6 Sarah R. Schalman-Bergen
7 Camille Fundora Rodriguez
8 Alexandra K. Piazza
9 BERGER MONTAGUE PC
10 1818 Market Street, Suite 3600
11 Philadelphia, PA 19103
12 Sschalman-bergen@gm.net
13 crodriguez@bm.net
14 apiazza@bm.net

Attorneys for Plaintiff
DONALD CARLSON

By: /s/ James J. Swartz, Jr.

James J. Swartz, Jr. (admitted pro hac vice)
Andrew McKinley (admitted pro hac vice)
Renate Walker (admitted pro hac vice)
1075 Peachtree Street, NE, Suite 2500
Atlanta, GA 30309
P: (404) 885-1500
F: (404) 892-7056
jswartz@seyfarth.com
amckinley@seyfarth.com
rewalker@seyfarth.com

Attorneys for Defendants
United Natural Foods, Inc. and
SUPERVALU INC.

[PROPOSED] ORDER

This matter came before the Court on the Parties' Stipulated Motion Staying Case (the "Stipulated Motion"). The Court, having reviewed the Stipulated Motion, and good cause appearing for the relief sought therein, hereby orders as follows:

1. All scheduling dates and deadlines currently set in this action shall be and hereby are vacated, including without limitation the deadlines set forth in the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. #3) and any deadlines to complete discovery on class certification and to move for class certification;

2. This action shall be and hereby is stayed, in its entirety and for all purposes, until October 30, 2020;

3. With respect to Plaintiff's claims under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq., the statute of limitations shall be tolled for all FLSA Collective Members from August 26, 2020 until October 30, 2020.

4. On or before October 27, 2020, the Parties shall file a joint status report with the Court that (a) sets forth the Parties' respective and/or collective positions as to whether the stay should remain in effect, and (b) provides the Court with an agreed-upon and/or proposed deadline for submission of an updated Joint Status Report and Discovery Plan; and

5. The Parties' entering into and submission of this Stipulated Motion is without waiver or limitation of their respective rights, claims, remedies, defenses, and positions in this action.

IT IS SO ORDERED.

DATED this _____ day of _____, 2020.

THE HONORABLE RONALD B. LEIGHTON

CERTIFICATE OF SERVICE

I hereby declare that on this 28th day of August, 2020, I caused a copy of the foregoing to be electronically filed with the Court using the King County E-Filing system which will send notification of such filing to the following:

Toby J. Marshall
TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, WA 98103
tmarshall@terrellmarshall.com

Sarah R. Schalman-Bergen
Camille Fundora Rodriguez
Alexandra K. Piazza
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Sschalman-bergen@gm.net
crodriguez@bm.net
apiazza@bm.net

DATED this 28th day of August, 2020.

/s/ Helen McFarland
Helen McFarland